



Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

915-006.029

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on March 20, 2007

Signature

Typed or printed name Kathleen Sipos

Application Number

10/720,012

Filed

Nov. 21, 2003

First Named Inventor

Eero KAAPPA

Art Unit

2163

Examiner

Helene R. ROSE

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☐

attorney or agent of record.

Registration number _____

☒

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 58,051

Signature

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Telephone number

March 20, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

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*Total of _____ forms are submitted.

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Attorney Docket No. 915-006.029
Serial No. 10/720,012

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of:

Eero KAAPPA : Confirmation No.: **2782**
Application Serial No.: **10/720,012** : Group/Art Unit: **2163**
Filing Date: **November 21, 2003** : Examiner: **Helene Roberta ROSE**

Title: **METHOD AND DEVICE FOR DEFINING OBJECTS ALLOWING TO ESTABLISH
A DEVICE MANAGEMENT FOR MOBILE COMMUNICATION DEVICES**

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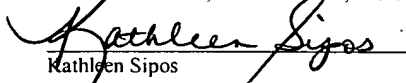
PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

This Pre-Appeal Brief Request for Review is submitted in response to the final Office Action of November 22, 2006.

CERTIFICATE OF MAILING

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Kathleen Sipos
Dated: March 20, 2007

REMARKS

The Office examined claims 2-10, 13-14 and 16-22, and all claims are rejected. Applicant respectfully submits that the Office has committed clear error in rejecting the claims, because the Office has failed to show that each and every element of the claims are disclosed or suggested by the cited references. See MPEP § 2143. Applicant respectfully requests reconsideration and withdrawal of the rejections in light of the following discussion.

This Request for Review is submitted along with a Notice of Appeal.

Claim Rejections Under § 103

In section 6, on page 3 of the Office Action claims 2-10, 13-14 and 16-22 are rejected under 35 U.S.C. § 103(a) as unpatentable over Andrews et al. (U.S. Patent No. 6,105,062) in view of Jonsson et al. ("SyncML—Getting the Mobile Internet in Sync," Ericsson Review No. 3, 2001). With respect to independent claim 18, applicant respectfully submits that claim 18 is not disclosed or suggested by the cited references, alone or in combination, because the cited references at least fail to disclose a "fixed object type has a fixed title" and a "run-time object has a title defined during run-time." Furthermore, the cited references also fail to disclose or suggest that the hierarchical node structure comprising a plurality of nodes is employed for distributing management related information of an electronic device among the plurality of nodes, as recited in claim 18.

Applicant respectfully notes that the Office continues to assert in the Advisory Action of February 20, 2007 that applicant is arguing language not recited in the rejected claims. The Office is apparently of the opinion that since new claim 18 was added subsequent to the Office Action of May 22, 2006, any language of that claim not recited in the previous claims is not recited in the claims. However, applicant respectfully submits that claim 18 has been entered, and it is the responsibility of the Office to consider the language of the claim as entered, and therefore it is irrelevant if the claim language of claim 18 may be different from the language of claims originally rejected in a previous non-final Office Action. See MPEP § 714.18. Therefore, applicant respectfully submits that claim 18 does in fact recite an object type has a fixed title, because claim 18 specifically recites "wherein said fixed object type has a fixed title." As such, applicant respectfully submits that applicant is not arguing language which is not recited in the pending claims, and respectfully requests full consideration of the currently pending claims. For at least the reasons discussed below, applicant respectfully submits that the Office has committed clear error in rejecting the claims.

Claim 18 recites that a plurality of objects comprises different types of objects out of a group including at least a fixed object, a run-time object, a leaf object, and a link object. Andrews does not disclose or suggest either a fixed object or a run-time object. In responding to applicant's previously arguments, the Office asserts that the UNRESTRICTED object type discussed in Andrews is the equivalent of the fixed object type recited in claim 18. Furthermore, in the Advisory Action of February 20, 2007, the Office asserts that an organization type container object, i.e. North America, is a fixed object type

First, the UNRESTRICTED object type discussed in Andrews is not the equivalent of the fixed object type that has a fixed title. Andrews does not disclose or suggest that the UNRESTRICTED object type has a fixed title. Instead, the UNRESTRICTED object is created from an existing object if the existing object would violate the containment rules, because the UNRESTRICTED object type is a special object type that can exist anywhere in a tree without violating containment rules. See Andrews column 8, lines 30-33. In contrast, if a naming conflict exists in Andrews, the name of the conflicting object is modified to eliminate the conflict. See Andrews column 8, lines 24-26. It is apparent from the teachings of Andrews that resolving naming conflicts, and complying with containment rules are two separate problems addressed in Andrews. See column 8, lines 63-64. Since every object type discussed in Andrews may need to be renamed during a move, none of the objects discussed in Andrews are fixed object types that have a fixed title, as recited in claim 18. Therefore, it is irrelevant if an UNRESTRICTED object type may not violate containment rules, because this is an entirely different problem than the naming problem addressed by Andrews, which is solved in Andrews by renaming objects that cause naming conflicts. For at least this reason, claim 18 is not disclosed or suggested by the cited references.

Second, contrary to the assertion of the Office in the Advisory Action, an organization type container object such as North America is not fixed object type, because the fixed object type has a fixed title, as recited in claim 18. For example, Figure 3 of Andrews specifically shows organization type container object 44 being moved to another directory tree, and if a naming conflict exists, the object name of object 44 is modified to eliminate the conflict. See Andrews column 8, lines 24-26. Simply because an organization type container object is at a high level, such as North America or Canada, does not mean that the object and any of its subordinate objects will not be moved. If an object is capable of being moved to another directory tree or subtree then there is always the potential for naming conflicts, and the system of Andrews solves the naming conflicts

by renaming the moved object. As such, none of the objects discussed in Andrews are fixed object type objects, as recited in claim 18.

Furthermore, the cited references also fail to disclose or suggest a run-time object that has a title defined during run-time, as recited in claim 18. With respect to the run-time object, the Office asserts that running programs executing in a run-time environment disclose a run-time object, because the process is interpreted to be a running instance of a program. However, Andrews only discloses that an embodiment of the invention may be program instructions that execute in a run-time environment. See Andrews column 5, lines 58-61. Andrews is only discussing the operation of the methodology according to the invention discussed in Andrews, and makes no mention of a run-time object. It is irrelevant that process may be interpreted to be a running instance of a program, because a program for carrying out the invention according to Andrews is completely distinct from a run-time object recited in claim 18. Therefore, Andrews does not disclose or suggest a run-time object as recited in claim 18. For at least this additional reason, claim 18 is not disclosed or suggested by the cited references.

In addition, the cited references, alone or in combination, also fail to disclose or suggest that the hierarchical node structure comprising a plurality of nodes is employed for distributing management related information of an electronic device among the plurality of nodes, as recited in claim 18. The Office asserts that the hierarchical tree of various objects associated with an organization's network corresponds to the management related information, and a hard drive corresponds to the electronic device recited in claim 18. However, even if the hierarchical tree can be interpreted as "management related information," which applicant does not admit, the hierarchical tree is not of the hard drive, instead the hard drive merely stores a copy of a schema associated with a source tree. See Andrews column 10, lines 9-11. In contrast, claim 18 recites that the management related information is of the electronic device, i.e. it is related in some manner to the management of the electronic device. The hierarchical tree at most relates to the organization of a company or other organization, and has nothing to do with the management of the hard drive. For at least this additional reason, claim 18 is not disclosed or suggested by the cited references.

Independent claims 19-22 contain limitations similar to those recited in new claim 18, and for at least the reasons discussed above in relation to claim 18, are not disclosed or suggested by the cited references. As such, claims 19-22 are not disclosed or suggested by the cited references.

Dependent claims 2-10, 13-14 and 16-17 depend from an independent claim, and therefore are patentable at least in view of their dependencies.


In addition, with respect to claim 2 a renaming as discussed by Andrews in order to eliminate conflicts in a directory tree is not the equivalent to a rejection of an object definition, which results in an omission of the object definition, i.e. the object is not defined and not included. Furthermore, with respect to claim 3, Andrews fails to disclose or suggest a substitution of two objects by a new object. The Office asserts on page 21 of the Office Action that claim 3 does not recite this limitation. However, claim 3 specifically recites "concentrating said parent object and said new object by replacing said parent object and said new object with one combined new object." Therefore, the parent object and new object are replaced, i.e. substituted, by the new combined object. In contrast, Andrews describes the maintaining of all objects, and if necessary the modifying of the object such that the directory structure complies with the containment rules. Therefore, for at least these additional reasons, claims 2 and 3 are not disclosed or suggested by the cited references.

Conclusion

For at least the reasons discussed above, applicant respectfully requests withdrawal of the rejections to the claims in view of the clear errors committed by the Office. As such, it is respectfully submitted that the present application is in condition for allowance, and such action is earnestly solicited. The undersigned believes that no additional fee is required to submit this response, but hereby authorizes the Commissioner to charge deposit account 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

Date: 20 March 2007


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